

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ADRIAN HOYLE

PLAINTIFF

v.

CIVIL ACTION NO. 3:21-CV-171-NBB-RP

**CITY OF HERNANDO, SCOTT WORSHAM,
in his Official Capacity as Chief of Police of the
Hernando Police Department, OFFICER
LYNN BROWN AND OFFICER HUNTER SOLOMON,
Individually and in their Official Capacities as
Hernando Police Officers, and JOHN DOES 1-25**

DEFENDANTS

**MOTION FOR JUDGMENT ON THE PLEADINGS OR, IN THE ALTERNATIVE,
SUMMARY JUDGMENT ON OFFICIAL CAPACITY CLAIMS**

NOW COMES DEFENDANT, OFFICER HUNTER SOLOMON, in his Official Capacity, by and through counsel, and respectfully files his Motion for Judgment on the Pleadings or, in the alternative, Summary Judgment as to the Official Capacity Claims against him pursuant to Rule 7.2(d) of the Uniform Local Rules of the United States District Court for the Northern and Southern Districts of Mississippi, as follows:

I. PREMISE

Officer Hunter Solomon is named in his official capacity as a duly sworn officer with the City of Hernando Police Department [**Doc. 8**]. As to federal law, he is merely a duplicate official capacity defendant who should be dismissed according to well established authority. Under state law, his official capacity claims are barred under the Mississippi Tort Claims Act.

II. THE BASIS FOR RELIEF

As required by *Uniform District Court Rule 7.2*, Defendant is filing herewith a Memorandum

of Authorities.

NOW, THEREFORE Defendant prays that upon consideration hereof, the Court enter its order as follows:

(A) That this Court dismiss the official capacity claims with prejudice; and,

(B) That this Court award this Defendant his attorneys' fees, costs and expenses associated with the defense of the instant civil action pursuant to 42 U.S.C. §1988.

RESPECTFULLY SUBMITTED this the 19th day of October, 2021.

JACKS| GRIFFITH| LUCIANO, P.A.

By: /s/ **Bethany A. Tarpley**
Bethany A. Tarpley, MS Bar No. 104134
Daniel J. Griffith, MS Bar No. 8366
Attorneys for Defendants

Of Counsel:

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CERTIFICATE OF SERVICE

I, Bethany A. Tarpley, attorney of record for Defendants, do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Motion for Judgment on the Pleadings or, in the Alternative, Summary Judgment* to be delivered by the ECF Filing System which gave notice to the following:

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Attorney for City of Hernando, Scott Worsham, Officer Lynn Brown

DATED this the 19th day of October, 2021.

/s/ **Bethany A. Tarpley**
Bethany A. Tarpley